

## REMARKS

Claims 1 – 18 and 20-21 are in the application. Claims 1, 20, and 21 are currently amended; claim 19 has been cancelled; claims 3 – 5 and 12 were previously presented; and claims 2, 6 – 11, and 13 – 17 remain unchanged from the original versions thereof. Claims 1, 20, and 21 are the independent claims herein. No new matter has been added as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Applicants respectfully request the Examiner to consider and acknowledge the two references cited with the Information Disclosure Statement filed December 14, 2007 (the IDS and cited references appear in the PAIR image file wrapper).

Claims 1 – 18, 20, and 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is traversed.

Regarding the present rejection, Applicants note that claim 1 is currently amended to state "said client device type", similar to claims 20 and 21. While claims 1 and 21 were rejected for being indefinite based on the phrase "said client device type", Applicants submit that any alleged indefiniteness, whether actual or perceived, has been removed from the subject claims due to the removal of the word "potential" in each of the claims. In particular, the previously stated "a plurality of potential client device types" is currently replaced by "a plurality of client device types". Thus, there is now antecedent support for the subsequent recitation of "said client device type" in each of the claims. Accordingly, it is submitted that claims 1, 20, and 21 are not indefinite under 35 U.S.C. 112, second paragraph.

Therefore, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1, 20, and 21 under 35 U.S.C. 112, second paragraph and the allowance of same.

Claims 1, 7 – 16, 18, and 20 were rejected under 35 U.S.C. 102(e) as being Kowalski by U.S. Publication No. 2003/0063563. This rejection is traversed.

Applicants note that representative claim 1 relates to a method for providing a delay guarantee for each of a plurality of client devices associated with an access point, including classifying each of said plurality of client devices into one of a plurality of client

device types based on, at least, a measurement of current and previous traffic loads for each of said plurality of client devices, and a determination of whether said client device is critical; determining a desired traffic load for said plurality of client devices; and allocating shaper intervals to each of said plurality of client devices based on said client device type classification of each of said plurality of client devices and said desired traffic load wherein said classifying, determining, and allocating are performed by said access point .

Thus, it is clear that Applicants claim (1) classifying each of the plurality of client devices into one of a plurality of client device types based on, at least, a measurement of current and previous traffic loads for each of said plurality of client devices, and a determination of whether said client device is critical; (2) determining a desired traffic load for the plurality of client devices; and (3) allocating shaper intervals to each of said plurality of client devices based on the client device type classification of each of said plurality of client devices and the desired traffic load wherein the classifying, determining, and allocating are performed by the access point .

Applicants respectfully submit that the cited and relied upon Kowalski fails to disclose each and every claimed aspect as configured in Applicants' claims 1, 20, and 21, thereby not resulting in the anticipation of those claims. In particular, the Office Action states that Kowalski discloses the claimed aspect of classifying each of the plurality of client devices into one of a plurality of client device types based on, at least, a measurement of current and previous traffic loads for each of said plurality of client devices, and a determination of whether said client device is critical but Applicants submit Kowalski does not. Instead, Kowalski actually discloses:

"[0058] Prior to each Superframe transmission, and for each Superframe:  
[0058] 1. Rank, assigned by HC or STA, flows in terms of delay/jitter characteristics from the highest delay/jitter to the lowest, with periodic streams winning any ties." (emphasis added)

Thus, it is clear that Kowalski explicitly discloses ranking *flows*, and not the claimed "client devices" as argued by the Office. The disclosure of Kowalski is clear and unambiguous and does not require any interpretation on this point. To the

contrary, Kowalski clearly states that the *flows* are ranked for each Superframe and prior to the transmission of the Superframes.

Therefore, Kowalski fails to disclose that for which it was cited and relied upon for disclosing.

Additionally, the Office Action stated Kowalski discloses Applicants' claimed allocating shaper intervals to each of said plurality of client devices based on the client device type classification of each of said plurality of client devices and the desired traffic load wherein the classifying, determining, and allocating are performed by the access point. However, since Kowalski fails to disclose or even suggest the claimed aspect of "classifying each of the plurality of client devices into one of a plurality of client device types" as clearly demonstrated hereinabove, it logically follows that Kowalski also fails to disclose the claimed aspect of "allocating shaper intervals to each of said plurality of client devices based on the client device type classification of each of said plurality of client devices". Hereto, Kowalski is shown not to disclose another aspect of claims 1, 20, and 21.

Accordingly, Applicants respectfully submit that claims 1, 20, and 21 are not anticipated by the cited and relied upon Kowalski. Therefore, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1 and 20, as well as claims 7 – 16, and 18 depending therefrom. Applicants further request the allowance of claims 1, 7 – 16, 18, and 20.

Claims 2 – 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski '563 in view of Gu et al. (Daqing Gu and Jinyun Zhang, "QoS Enhancements in IEEE802.11 Wireless Local Area Network", IEEE, June 2003, Pages 120-124). This rejection is traversed.

Inasmuch as the cited Kowalski fails to disclose or suggest that for which it was relied upon for disclosing as described in detail hereinabove, Applicants respectfully submit that the combination of Kowalski and Gu does not render claims 2 - 5 obvious under 35 USC 103(a). In particular, the cited and relied upon Gu does not rectify the deficiencies of Kowalski.

Accordingly, Applicants respectfully submit that claims 2 – 5 are patentable over Kowalski and Gu under 35 USC 103(a) for at least the reasons stated hereinabove.

Therefore, the reconsideration and withdrawal of the rejection of claims 2 – 5 are respectfully requested, as well as the allowance of same.

Claims 6 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski '563 in view of Atwater et al. U.S. Publication No. 2007/0109980; and Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski '563 in view of Del Prado Pavon et al. U.S. Publication No. 2004/0047351. These rejections are traversed.

Applicants respectfully submit that the cited and relied upon Kowalski fails to disclose or suggest that for which it was cited as described in detail hereinabove. Furthermore, Applicants respectfully submit that the combination of Kowalski and Atwater or the combination of Kowalski and Del Prado Pavon does not render claims 6, 17, and 21 obvious under 35 USC 103(a). In particular, the cited and relied upon combinations of Kowalski and Atwater and Kowalski and Del Prado Pavon do not rectify or otherwise overcome the deficiencies of Kowalski.

Accordingly, Applicants respectfully submit that claims 6, 17, and 21 are patentable under 35 USC 103(a). Therefore, the reconsideration and withdrawal of the rejection of claims 6, 17, and 21 are respectfully requested, as well as the allowance of same.

## **CONCLUSION**

Accordingly, Applicants respectfully request allowance of the pending claims.

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